

DELEGATED REPORT

Report by Tom Beirne	Date of report: 19/09/2024	Ref: 70940/FUL
Registration: 02/08/2024	LDFC: 27/08/2024	Expiry Date: 27/09/2024
Site Visit: 20/08/2024	Site Notice: N/A	Press Date: N/A
Objections: 3	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Single storey front and side extension; part single/two storey rear extension; loft conversion with rear dormer

Location: 54 Wordsworth Avenue, Bury, BL9 9QX

a singles storey

Description

The application relates to a two storey semi-detached house on a residential road of similar styled properties. As with most the properties on the road, the house has no driveway and relies on-street parking. There is a walkway to the side of the house, along the boundary with No.52 Wordsworth and has a flat roof extension at the rear.

The proposal involves a single storey extension at the side and rear with a first floor element above part and a dormer on the rear roof plane. At the side, the single storey extension would project out 1m to the front to form a porch and 1.4m to the shared side boundary with No.52, leaving a gap of 150mm to the boundary. It would run 14.5m from front to rear, wrapping around the rear elevation. The existing flat roof extension would have a pitched roof adjacent to the attached neighbour at No.56 and a first floor with hipped roof would be added above the side closest to No.52. The extension would facilitate an extended third bedroom at first floor and a utility, WC and extended diner at ground floor. The extension would be finished in red brick to match the house.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 05/08/2024. Three objections received from neighbours - summarised below.

- Major impact on natural light to the side of our property as our back door is to the side elevation, as is our landing & bathroom windows.
- Rear double extension & dormer loft conversion would Impact sun to the side of our property.
- Concerns about drainage from proposed front/side extension and also roof & gutter on boundary.
- Problems with overlooking.
- Major problems with parking as no.54 has around 6-7 people already living there and taking up the street with there cars. More rooms mean more cars.
- The noise from building all the extensions and loft conversion.
- Building materials causing problems on an already very narrow road.
- I work night shifts on motorways so working in a live lane traffic could result in death.
- Outlook from neighbouring bedroom would be brick wall and reduce light.
- Foundations and building work impact on attached property.

Statutory/Non-Statutory Consultations

N/A

Pre-start Conditions - N/A

Development Plan and Policies

H2/3 Extensions and Alterations

SPD6 Supplementary Planning Document 6: Alterations & Extensions

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual amenity - The extensions are in keeping with the design of the existing house and would not appear incongruous within the streetscape. Finished in red brick to match. The proposal is acceptable in terms of visual amenity and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Residential amenity - The single storey extension would project out 2.7m beyond the existing single storey rear extension on the attached neighbour (No.56) and as such the impact on this property would not be significant.

On the other/ unattached side, adjacent to No.52 the new first floor element would project out 2.6m from the rear elevation. It would be set in from the shared side boundary by approx 1400mm. This is considered to be a suitable distance and complies with the 45 degree rule set out in SPD6. The only habitable room window directly overlooking neighbour's boundary is already existing but as a secondary bedroom window, this would be obscure glazed to prevent overlooking.

The single storey side/rear extension would run down the side of the house and 5m out to the rear. Although projecting out beyond 3m, the extension would have a flat roof to a max height of 2.7m and with a gap to the unattached neighbours property where the closest window is a kitchen window, the extension would comply with the 45 degree rule. The proposal would not have a seriously detrimental impact on the neighbour at No.52.

The proposed dormers have been reduced in scale to accommodate a more appropriately designed first floor roof at the rear and are now considered acceptable.

Indirect overlooking from additional rear windows is no greater than what would normally be experienced in a suburban setting.

Concerns of the neighbour with regard to foundations, boundary fencing and overhanging gutters has been addressed in revised plans which indicate a small gap of 150mm between the extension and the existing side boundary.

Distances to the rear boundary are well in excess of 7m and therefore acceptable.

In terms of residential amenity, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Parking and servicing - There is no driveway with only on-street parking available. Whilst the property is being extended, the house is not overly large and only one household would be accommodated. On-street parking is considered to be acceptable on this road where other properties are in similar positions. In terms of parking, the proposal is acceptable and complies with UDP Policy H2/3 and guidance in SPD6 relating to extensions and alterations.

Public comments - The comments of immediate neighbours relating to material planning issues have been addressed in the above report.

The proposed extensions are not overly large and would not necessarily cause overcrowding. It is not implied that the extended house would be used by more than one household.

Noise and disturbance from construction is a matter controlled by health and safety legislation and foundations would be controlled by building regulations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

DELEGATED REPORT

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered WDA002/A, 003, 004, and revised drawings 005/A and 006/B and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 Before the first occupation of the extension hereby permitted the first floor side windows at on the north/side elevation shall be fitted with obscured glazing (min obscurity level 3) and shall be permanently retained in that condition thereafter.
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	19/09/2024	DM	20/09/24